

The Appeal Brief filed 8 October 2008 fails to contain a concise explanation of the subject matter defined, referring to the Specification by page and line number. The Brief provides page and line numbers for information that does not satisfy the language of each of claims 1 and 25, as required. For example, the response of 1 May 2009 states the source of claim 1 may be found at "page 6, paragraph 23 at lines 10 to 13, page 5, paragraph 21 at lines 1 to 3, page 5, paragraph 20 at lines 1 to 4 and page 8, paragraph 29, lines 1 to 9." The source of claim 25 may be found at "page 6, paragraph 23 at lines 1 to 10 and page 6, paragraph 22 at lines 1 to 3." The source of claim 27 may be found at "page 6, lines 1-6."

For claim 1, as regards each of:

- 1) "page 6, paragraph 23 at lines 10 to 13"

First, paragraph 23 is on page 5 of the Specification, as originally filed.

Paragraph 23 is on page 1 of the published application (US 2005/0070662). It cannot be ascertained what lines appellant is referring to. Further, the passage at (lines 10-13) of paragraph 23 of the originally filed Specification recites:

"While not wishing to be bound by any theory, it is believed that the use of the too much grafting polymer can cause the development of morphology which does not allow for optimum physical properties in the high impact polystyrene so made."

It is not clear as to what this recitation defines in claim 1.

- 2) "page 5, paragraph 21 at lines 1 to 3"

Paragraph 21 bridges page 4 to page 5 refers to only the grafting initiator. The use of the non-grafting initiator has not been provided.

3) "page 5, paragraph 20 at lines 1 to 4"

Paragraph 20 is on page 4 of the Specification, as originally filed.

4) "page 8, paragraph 29, lines 1 to 9"

Paragraph 29 is on page 7 of the Specification, as originally filed. The reliance of this paragraph for support for the language of claim 1 is not shown, nor explained by appellant.

Further, for claim 25, with regards each of

1) "page 6, paragraph 23 at lines 1 to 10"

Paragraph 23 is on page 5 of the Specification, as originally filed. This passage does not show the conjunctive use of both grafting and non-grafting initiators.

2) "page 6, paragraph 22 at lines 1 to 3."

Paragraph 22 is on page 5 of the Specification, as originally filed.

Further, for claim 27, with regards "page 6 paragraph 22, lines 1-6"

Paragraph 22 is on page 5 of the Specification, as originally filed. The process as to the admixing "a rubber and styrene monomer in the presence of at least two polymerization initiators," is not shown by this passage. Only one initiator is required, and where there may be more, it is not specified that one is a grafting initiator and the other is not. This passage refers to constituents and not to the process, as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan M. Nutter whose telephone number is 571-272-1076. The examiner can normally be reached on 9:30 a.m.-6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nathan M. Nutter/
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nmm

3 July 2009